

**§41.11**

**22 CFR Ch. I (4–1–10 Edition)**

which preclude the timely procurement of a passport or Canadian certificate of identity.

(g) *Authorization to individual consular office; visa and/or passport waiver.* An alien within the district of a consular office which has been authorized by the Department, because of unusual circumstances prevailing in that district, to join with immigration officers abroad in waivers of documentary requirements in specific categories of cases, and whose case falls within one of those categories.

[52 FR 42597, Nov. 5, 1987, as amended at 56 FR 30428, July 2, 1991; 60 FR 30188, June 8, 1995; 61 FR 1835, Jan. 24, 1996; 63 FR 48577, Sept. 11, 1998]

**Subpart B—Classification of Nonimmigrants**

**§41.11 Entitlement to nonimmigrant status.**

(a) *Presumption of immigrant status and burden of proof.* An applicant for a nonimmigrant visa, other than an alien applying for a visa under INA 101(a)(15)(H)(i) or (L), shall be presumed to be an immigrant until the consular officer is satisfied that the alien is entitled to a

nonimmigrant status described in INA 101(a)(15) or otherwise established by law or treaty. The burden of proof is upon the applicant to establish entitlement for nonimmigrant status and the type of nonimmigrant visa for which application is made.

(b) *Aliens unable to establish non-immigrant status.* (1) A nonimmigrant visa shall not be issued to an alien who has failed to overcome the presumption of immigrant status established by INA 214(b).

(2) In a borderline case in which an alien appears to be otherwise entitled to receive a visa under INA 101(a)(15)(B) or (F) but the consular officer concludes that the maintenance of the alien's status or the departure of the alien from the United States as required is not fully assured, a visa may nevertheless be issued upon the posting of a bond with the Secretary of Homeland Security under terms and conditions prescribed by the consular officer.

[52 FR 42597, Nov. 5, 1987, as amended at 61 FR 1835, Jan. 24, 1996]

**§41.12 Classification symbols.**

A visa issued to a nonimmigrant alien within one of the classes described in this section shall bear an appropriate visa symbol to show the classification of the alien. The symbol shall be inserted in the space provided on the visa. The following visa symbols shall be used:

**NONIMMIGRANTS**

Symbol	Class	Section of law
A1 .....	Ambassador, Public Minister, Career Diplomat or Consular Officer, or Immediate Family.	101(a)(15)(A)(i).
A2 .....	Other Foreign Government Official or Employee, or Immediate Family.	101(a)(15)(A)(ii).
A3 .....	Attendant, Servant, or Personal Employee of A1 or A2, or Immediate Family.	101(a)(15)(A)(iii).
B1 .....	Temporary Visitor for Business .....	101(a)(15)(B).
B2 .....	Temporary Visitor for Pleasure .....	101(a)(15)(B).
B1/B2 .....	Temporary Visitor for Business & Pleasure .....	101(a)(15)(B).
C1 .....	Alien in Transit .....	101(a)(15)(C).
C1/D .....	Combined Transit and Crewmember Visa .....	101(a)(15)(C) and (D).
C2 .....	Alien in Transit to United Nations Headquarters District Under Sec. 11.(3), (4), or (5) of the Headquarters Agreement.	101(a)(15)(C).
C3 .....	Foreign Government Official, Immediate Family, Attendant, Servant or Personal Employee, in Transit.	212(d)(8).
CW1 .....	Commonwealth of Northern Mariana Islands Transitional Worker ...	Section 6(d) of Pub. L. 94–241, as added by sec. 702(a) of Pub. L. 110–229.
CW2 .....	Spouse or Child of CW1 .....	Section 6(d) of Pub. L. 94–241, as added by sec. 702(a) of Pub. L. 110–229.
D .....	Crewmember (Sea or Air) .....	101(a)(15)(D).
E1 .....	Treaty Trader, Spouse or Child .....	101(a)(15)(E)(i).